

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 22, 1965
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REVEREND HOWARD MacALLISTER, Grace Methodist Church.

Mayor Palmer announced this was DEMOLAY DAY, and introduced Mr. Hye Brown, who was the Demolay Mayor. "Mayor" Brown introduced the members of the Council, the Finance Director, City Manager, City Attorney, and Corporation Court Judge.

MR. ALFREDO GARCIA, spokesman for the Community Action Committee, an organization initiated by about 20 persons, was concerned about the needs of the different programs under the Economic Opportunity Act of 1964. The committee was encouraged to organize under the leadership of the Community Council, the supporting organization, along with its Community Action Program. He was appearing because there has been little local participation under the Neighborhood Youth Corps Program. Mr. Garcia read a statement in support of the work-training program, as follows:

"The Community Action Committee, an organization whose purpose is to promote cooperative citizen action in the study and solution of poverty and other social problems which affect people in the community unanimously adopted in open meeting at the Pan American Center, Austin, Texas on 6-17-65, the following statement with reference to Title 1, Part B of the Economic Opportunity of 1964:

"The committee is of the opinion that one of the programs of the Act which shows promise of having the greatest impact on poverty in this area is the Work-Training Program, hereafter referred to as the Neighborhood Youth Corp. because of its immediate supplementation of family income and its desired effect of keeping youngsters

July 22, 1965

in school. It is estimated that about 12,177 families in Austin have a yearly income of less than \$3,000.00 thus placing about 1/4 of the total number of families here within one of the suggested definitions of poverty.

"In further support of the need for a productive NYC program, the committee is aware of the high percentage scale should, sharply reduce the number of school drop-outs and since drop-outs and delinquency are interrelated it should also have a positive effect in curbing juvenile delinquency.

"The committee further feels that the work-experience aspects of the program would have most significant results in giving youth a feeling of worth responsibility and accomplishment. Under such a program, the youth of the community would be contributing to the beautification and improvement of the city.

"The committee has not seen any evidence that the full potential implementation of this program would cause additional expense to the community which would not be fully justified or recompensed by the economic, social, educational, moral and physical benefits derived therefrom.

"The committee deplores the controversey regarding the wage to be paid to the participants because of its detrimental effects and the possibility of its undermining the usefulness of the program. The committee is not concerned with the political implications and aspects of the controversey but only with the effect the program would have in alleviating poverty. It further deplores that needy youth should be made the subject of controversey.

"The committee has carefully studied the NYC program of the Montopolis Community Center and its proposed wage of \$1.25 per hour to the participants. After careful deliberation it is the opinion of the committee that the proposed wage is appropriate, reasonable and in line with other NYC programs in the area and a reasonable scale which should be adopted by the community as a fair rate for all NYC programs in this locality. In support of this wage, the committee further points out that since NYC participants are and will be in most cases engaged in several hours of training, counseling and guidance within the program at no pay, the wage will in most instances average at about \$1.00 per hour when total participation time is figured.

"The Committee urges all responsible groups, organizations and agencies to consider the vital importance of Neighborhood Youth Corp. programs in combating poverty and further urges the full participation of these groups in support of the program. This concerted effort, the committee feels, would promote the general economic, social, physical and moral welfare of the entire community.

"Respectfully Submitted
Alfredo Garcia, President
Paul Reyes, Vice-President
E. A. Galvan, Secretary"

July 22, 1965

Mr. Garcia read from an article in the American Statesman, May 11, 1965, regarding the drop out program and the impact the NYC would have in enabling these students to remain in school. He said there were 48 NYC programs in operation in Texas with more expected before the end of the summer; 7,188 total participants; \$3,300,119 total Federal Grants; and \$465.50 average cost per student, not including the 1,000 participants in the San Antonio area. Of the 48 NYC programs, 19 are at \$1.00 an hour; one is at \$1.15; and 28 are paying \$1.25. He listed the amounts different towns and cities were paying--some \$1.00; some \$1.25 noting some of these were sponsored by counties, school boards, or other public agencies as well as by private non-profit organizations. Mr. Garcia urged serious consideration by the Council of this program, stating it seemed the main thing was the question of the \$1.25 hourly pay.

MAYOR PALMER reported the City and the Schools entered into this program, the City asking for 54 youths. The City's application was filed as soon as it was furnished the required forms, but it has not heard from the Washington Office yet. At Mayor Palmer's request the Assistant City Manager gave a background of the City's participation in this program, as follows:

"NEIGHBORHOOD YOUTH CORPS
City of Austin
Application

"Labor Department Bulletin dated 1964 states that: 'The law requires youth corps wages to be based upon starting rates in the occupation in which the enrollee works. With proven ability, enrollee's pay can go to the full starting rate.'

"Labor Department Bulletin received April 9, 1965, states as follows: 'Rates of pay and other conditions are appropriate and reasonable for the type work performed, geographical region, and employee proficiency.' The same bulletin states that 'as already mentioned, the law requires appropriate and reasonable rates of pay and working conditions. It also seeks to prevent unfair wage competition with presently employed workers.' Considerations have been given to pay rates in the light of these requirements. The same bulletin further states under HOW ENROLLEES ARE PAID the starting pay for enrollees will be based upon the entry rate workers in the labor market area for the occupations in which the enrollee is employed. Enrollee will be paid additional progression increases up to the entry rate for new workers in the occupation, provided the work performed is satisfactory.'

"City Planning Director attended a meeting concerning the status and provisions of the Economic Opportunity Act held in Washington, D. C., on September 23 and 24, 1964. His report to the City Council a few weeks later contained the following statements regarding the Neighborhood Youth Corps: 'The wages would be about 80% of the prevailing wages with gradual small increases up to the prevailing wage.'

'The Neighborhood Youth Corps program is geared to move fast and priorities will be given to communities developing a communities action program. It is not required that a CAP be approved, but it should be in the development and submission stage.'

'In general, a wage of about 80% of the prevailing wage would be expected.'

'---Determination will be made on the basis of need for program, nature of program and the time of application.'

July 22, 1965

'It is important that a community start a program that is large enough to make some impact and justify the administrative and counseling services necessary ----. It was suggested that Austin might consider an initial program for several hundred youths, somewhat larger than a pilot project, but certainly not covering all persons who might be eligible.'

"The following remarks are from the Labor Department pamphlet entitled 'Project Proposal Materials -- Neighborhood Youth Corps,' which was received by the City of Austin October 2, 1964.

'7. ENROLLEE WAGES AND CONDITIONS OF EMPLOYMENT

'The Act requires that enrollee wages and conditions of employment be 'appropriate and reasonable in the light of such factors as type of work performed, geographical region, and proficiency of the employee.' In general, enrollee wages should be a little below the prevailing entry rates for inexperienced workers in similar occupations. In projects in which enrollees may perform a variety of tasks, a single project wage scale may be used.'

'Sponsors should note that enrollees receive wages, not training allowances. Enrollees may be paid only for work performed and for directly work-related activities such as job orientation and instruction, necessary preparation for work, travel time to distant work sites and time required for work supervision. Enrollees may not be paid for hours spent attending educational or vocational training courses, or receiving other supportive services, including counseling.'

'State and explain the basis for computing enrollee wages, including their relationship to wages paid to inexperienced workers in similar occupations in the labor market area in which the project is operated. Describe the system, if any, for enrollee wage increments.'

"In a letter received from the Texas Municipal League announcing the appointment of the Governor's Texas Office of Economic Opportunity, it stated, 'We have been told that wage scales for the youth can probably be set at \$1 per hour, except possibly in the Gulf Coast Area where the rate is higher than \$1.'

"The above statement was also contained in a letter dated April 30, 1965, from the Texas Office of Economic Opportunity.

'It is understood that a wage scale of \$1 per hour can be paid these youths, except for cities located along the Gulf Coast industrial area, where the prevailing rate of pay is higher.'

"The City Manager's office received the first application forms and instructions for their completion on May 3, 1965. The instructions contained the following quotes: 'Hours of work and wages of NYC youth - Youth will work up to 30 hours per week, but not less than 30, at a rate of \$1.25 per hour. Generally, the work hours will be calculated as the time at work.'

'Work' includes such activities as orientation to a job, instruction given by an employer in preparation for performing a specific task, transportation to a distant work site, and other directly work-related duties, but do not include counseling, remedial education, or training courses.'

'Fringe Paid Benefits for NYC Youth'- The sponsor must carry workman's compensation for all NYC youth which provides continuing reimbursement for total

July 22, 1965

disability. (See NYC regulation 50.26 B).

"On May 24, 1965, Mr. Warren Leddick, Assistant Director of Parks and Recreation, and Mr. C. O. Smith, carried the City of Austin's Application to Dallas, Texas. The application was to enroll 54 young men and women, ages 16 through 21, in a Neighborhood Youth Corps program for Austin from June 7 to August 27, 1965. These representatives of the City of Austin met with Dr. Williams and a Mr. Crawford and reviewed the application. Mr. Crawford informed them that Austin's Application was not accepted because it specified a rate of pay of \$1 per hour. Mr. Leddick was asked to take the application back to Austin for modification.

"On May 28, 1965, Austin's Application was resubmitted to the regional office in Dallas of the NYC. It contained a wage rate of \$1 per hour and complete supporting data which clearly indicated the prevailing minimum wage rates paid by the City of Austin. The cover letter accompanying the application included the following statements:

'These young men and women will be associating with some adult employees and maintenance employees of the Austin Parks and Recreation Department who are receiving \$1.10 per hour for a forty-hour plus work week at an annual salary of \$2,288 dollars. Consequently, the Parks and Recreation Department can not justify employing these young men at a rate of pay equal to or in excess of the amount paid some adult personnel of the Parks and Recreation Department. A copy of the City of Austin master wage schedule is attached.'

'In addition, the prevailing wage scale for unskilled labor in our community for youth and some adults is from 75¢ to \$1 per hour.'

'In the light of these conditions, it is hoped that favorable consideration may be given to the application and a wage scale of \$1 per hour for the enrollees.'

"The City of Austin received a letter on June 7, 1965, from Mr. W. L. (Bill) Crawford, regional Director in Dallas. It stated: 'Dear Mr. Williams: I am in receipt of your proposal and transmittal dated May 28, 1965, covering NYC instruction for the City of Austin. Your proposal is based on a wage of \$1 per hour. I would point out to you that several approved proposals in Bear County and in Hayes County at a rate of \$1.25 per hour which conforms to the position of the National Office of the NYC.'

'I am forwarding your letter and your proposal to our National Office. Sincerely yours.'

"The following information is submitted in accordance with your request and in confirmation of our verbal discussion of same on June 8, 1965.

"A check with appropriate officials of the City of San Antonio reveals that at the present time their minimum salary in their current schedule is \$201.00 a month, or approximately \$1.15 an hour. The minimum salary for the City of San Marcos as given by the City Manager of that city is currently \$1.25 an hour or approximately \$217.50 a month. The minimal salary in the current State classification schedule is \$0.90 an hour and will be raised to approximately \$1.10 an hour in September of this year. The minimal salary for the University of Texas for groundskeepers and building attendants (janitors) is \$1.15 an hour and will go to \$1.35 in September of this year. A rough survey

July 22, 1965

of current wage rates offered for day labor and temporary labor in the City of Austin indicates a minimum salary of \$1.00 with many wage rates being paid of \$1.25 and up. These rates in these cases are dependent largely upon the specific work to be done as compared to the qualifications of each individual employee.

"Our current minimum rate of \$1.10 an hour compares favorably with the large employers within the City with the exception of the Federal Government. It can be assumed, therefore, that while we are probably not keeping pace with wage increase trends, we are of the moment, in a favorable competitive position for common labor. The true test of the adequacy of a wage and salary structure is its actual application in recruiting and retention of employees. We can say, categorically, that at this time we are experiencing no undue difficulties in the recruiting of common labor, especially for temporary positions."

"The following is a memorandum received by the City of Austin from the Commanding Officer of Bergstrom AFB. The statement was made:

'2. It is the policy of the departments to contribute to the stability of our local wage structure by paying our employees wages that approximate the going rates in the community. It is believed, you will agree, that this policy is equitable in that it minimizes unfair competition resulting from these departments paying rates higher than those prevailing, and that the same time assures our employees a fair rate.'

"The City of Austin has approximately 175 regular employees who are paid a regular rate between \$1.25 and \$1.10. The City Manager's Office contacted the state director of the Governor's Opportunity office and received the following information: 'June 30, 1965. There are approximately 2500 potential sponsors of NYC projects in the state of Texas. (Cities, counties, school districts, and other community organizations).

'There have been less than 200 actual applications or 8% of the potential. And of these 200, there have been many to withdraw the application for various reasons.

'Of the 57 communities having 25,000 population or more, 5 have made NYC applications.

'Of the 67 largest school districts, in the state, only six have made NYC applications. Of the top 50 cities in the state, of those, only 17 have made applications.'

"Attached are reports from two City of Austin departments giving information about employees of school age who are employed by the City of Austin. Public Works has 25. The Recreation Department memo further stated that 'There are approximately 74 seasonal employees receiving \$1.25 per hour or less, who are under 21 years of age. Seasonal employees do not participate in vacations, sick leave, hospitalization insurance, retirement, life insurance and do not receive City holidays with pay.

"\$1.25 applied to the City of Austin wage scale now would cost in excess of \$1,000,000."

July 22, 1965

The City Manager said no response from the Washington Office had been received regarding the application they made for the NYC. It was forwarded to Washington by the regional office in June.

General discussion was held. Mr. Garcia, in answer to Mayor Palmer's inquiry, stated the Montopolis area applied for 75 youths at \$1.25, but the application has not been approved yet. Councilman Long said she believed the \$1.25 minimum was holding the City and Schools back and that it was a real tragedy that \$.25 per hour would hold up a program so badly needed. The City Manager pointed out the City of Austin already has placed these people in temporary work for this summer. Councilman Long inquired about the programs approved at \$1.00 and it was stated several cities had programs at that rate--Corpus Christi, Laredo and others.

Councilman LaRue suggested finding out whether or not Austin's application was going to be turned down; and if it is not found out quickly, it would be a moot question, as August 27th is the end of the program. He suggested that pressure be brought to find out if this application is to be approved. Councilman Shanks pointed out the City was not lagging as it applied in May, and it has not been turned down. He would not agree that the program was being held up on the \$1.25 wage, because the instructions were the wage was to be based on the percentage of prevailing wages.

Mr. Garcia saw no need to raise City employees by the adoption of the NYC program, which is separate and financed by the Federal Government; and is temporary, with insurance coverage provided by the Government. Mayor Palmer asked Mr. Garcia if some of the Community Action Committee were employers, and if he knew what they were paying their employees, or if any were paying a 16 year old boy \$1.25 a hour. Mr. Garcia did not know if they had any 16 year olds employed.

Councilman LaRue reported on a visit with the head of the program at LaGrange, which has approximately 300 employees, and their program is working wonderfully well. These 300 are allocated some to the County Agent, some to the City Manager, and most to the schools. The people in the City think the program is doing a good job. He wanted to encourage the determination as quickly as possible if Austin's application is going to be approved. At that time, the City would be in a position to decide what to do.

In answer to Mr. Jesse Garcia's question concerning routing this through the Community Council, the City Manager explained all other programs would be coordinated through the Community Council except the NYC as it was thought these programs would be started earlier. Mr. Jesse Garcia urged the \$1.25 hourly rate and raise taxes if necessary. Mr. Alfreda Garcia inquired about the \$1,000,000 cost if the \$1.25 were set. The Mayor explained in detail the job classification of the City, as when one classification is changed the whole job classification is changed. He said he would prefer that the City would continue to carry this project as its own project, as it is doing, than to completely revise the City's job classification. Along with the Minimum Wage of the City there are about 21-26% fringe benefits received that would not be provided by a private industry, or construction firms. He felt the higher wage scale would disrupt the entire City pay schedule; the Council has been trying to hold the taxes down and keep everything in line, and he would rather employ these youths as City employees as is being done now. Councilman Shanks pointed out when the City did not hear from the Washington office, it went ahead and implemented its own program.

Councilman LaRue stated the Council started discussing this two or three months ago that this would affect the entire pay scale of the City of Austin. He

had concluded this was an experimental program strictly and everyone would be watching it not with the idea of how it would influence their pay, but to see how it worked out. With only 30-45 days left, he did not think it would have any impact or effect on the entire wage scale as it is set up. Mayor Palmer said if this were an experimental thing, and if a program of this kind is started and the local citizens are not willing to assume this responsibility if and when the Federal Government cuts this participation out, the program better not be started. To train someone for a job that was not available is a most tragic thing. He thanked the group very much.

The Mayor opened the hearing on the ordinance annexing SPRINGDALE HILLS, SECTION 2. No one appeared to be heard. Councilman Long moved that the hearing be closed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer brought up the following ordinance for its first reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 22.51 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE J. C. TANNEHILL LEAGUE, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.
(Springdale Hills, Section 2)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 40.15 ACRES OF LAND OUT OF THE T. J. CHAMBERS GRANT, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY

LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED
IN THE ORDINANCE. (Northwest Hills, Section 7)

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Council had before it an agreement concerning the proposed medical and hospital center near Shoal Creek, and an ordinance vacating portions of streets in the area. The City Attorney explained in detail the agreement in that it called for the conveyance to the City of 4.42 acres of land for park purposes, drainage and public utilities purposes. It is all of Lakeside Boulevard, all of the area between Lakeside and Alamo and approximately the west half or more of Alamo Boulevard. MR. RUSSELL FISH, who had contributed greatly to a hike and bike trail, stated the Council should approve this hospital plan but he was interested in the 10' easement on top of the bluff line on the east side of Shoal Creek, particularly in the 37th Street line. He wanted to be sure the 10' were reserved on top of the bluff line for the hike and bike trail. He had spent \$1,500 to remove a place on the Hike and Bike Trail where bicycles could not go, and he wanted to be certain the amount reserved would be such that bicycles could be used. The Director of Planning described the trail on the east side stating it would be a hike and bike trail up to the point the trail goes down the bluff, and bicycles would have to be taken down the trail. On the west side there will be a full hike and bike trail. Mayor Palmer asked if this were agreeable to the people of Seton as far as the Hospital complex?

Mr. Robert Sneed, Attorney, stated there was a properly executed agreement on file with the City Attorney to become effective simultaneously with the enactment of the ordinance vacating the areas. Mr. Sneed listed those officially signing the contract, and those present who represented Seton. The Austin Doctors Building Corporation and Seton were bound to the City by the provisions of the contract, and every safeguard for the City was placed in the contract by Mr. Eskew, City Attorney. Mr. Sneed noted the many, many hours spent working with officials of the City. Mr. Fish said the minute these field notes were adopted the Hike and Bike Trail will be cut off on the side it is now used. This would cut off the bike trail, although it would still be available for hiking. Mr. Sneed explained the doctors were putting down not one hike and bike trail, but three--two of which will be on a level and on which bicycles can be ridden, and then the one that can be ridden up and back down; two on the east side, one being on a level plane. It was explained there was a bicycle trail on each side. Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Austin Doctors' Building Corporation and Seton Hospital have undertaken the redevelopment of certain portions of certain properties bounded by Wabash Avenue, Mills Avenue, West 34th Street, and West 38th Street for the purpose of meeting various health and hospital needs of the community; and,

WHEREAS, such redevelopment requires orderly planning for private use of various properties in which the public now has various interests, as well as public use of various properties in which private owners now have various interests; and,

WHEREAS, the City Council, Austin Doctors' Building Corporation and Seton Hospital have agreed upon certain mutual undertakings between the City of Austin, Austin Doctors' Building Corporation and Seton Hospital; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute, on behalf of the City of Austin, a written contract incorporating the respective agreements of the City of Austin, Austin Doctors' Building Corporation and Seton Hospital for redevelopment of certain properties for the purpose of meeting various health and hospital needs of the community.

The motion, seconded by Councilman Shanks, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the following:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING FOR PUBLIC USE WEST 37TH STREET BETWEEN MILLS AVENUE AND WABASH AVENUE; WEST 35TH STREET BETWEEN BAILEY LANE AND WABASH AVENUE; STATE STREET BETWEEN MILLS AVENUE AND LAKESIDE BOULEVARD; McDONALD AVENUE BETWEEN WEST 38TH STREET AND A POINT 107.50 FEET SOUTH OF WEST 35TH STREET; BAILEY LANE BETWEEN WEST 38TH STREET AND WEST 35TH STREET; ALAMO BOULEVARD BETWEEN WEST 38TH STREET AND WEST 35TH STREET; LAKESIDE BOULEVARD BETWEEN MILLS AVENUE AND WEST 34TH STREET; THE ALLEY BETWEEN McDONALD AVENUE AND WABASH AVENUE FROM WEST 38TH STREET TO A POINT 107.50 FEET SOUTH OF WEST 35TH STREET; THE ALLEY BETWEEN BAILEY LANE AND McDONALD AVENUE FROM A POINT 60 FEET NORTH OF WEST 34TH STREET TO WEST 38TH STREET; THE ALLEY BETWEEN ALAMO BOULEVARD AND BAILEY LANE FROM WEST 37TH STREET TO WEST 35TH STREET; THE ALLEY BETWEEN MILLS AVENUE AND LAKESIDE BOULEVARD FROM STATE STREET TO LAKESIDE BOULEVARD; SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Mayor thanked SISTER MARIE LOUISE, MR. FISH and all who had worked so hard on this fine hospital complex for the City. The recent Health and Hospital Study brought out the direct need for hospital facilities. He congratulated the group on this venture. The City Attorney stated this was a comprehensive contract, covering numerous items; and from time to time there will be a necessity to bring something back to the Council for formal action. Mr. Sneed pointed out at the time this was considered by the Council, Councilman Long brought up the question this should be only for the purpose of these projects; otherwise the vacations should not take effect. He pointed out title problems, and stated once a particular project is finished then they will release their obligations of the streets.

SISTER MARIE, Administrator of Seton Hospital thanked the Council, stating they would begin construction before the end of the year.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for public utility purposes, in, upon and across two (2) strips of land out of and a part of Lots 34 and 35, Enfield "D", by map or plat of said subdivision of record in Book 3 at Page 158 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portions of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portions of said easement are not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portions of said public utility easement, to-wit:

Two (2) strips of land, each of the said two (2) strips of land being five (5.00) feet in width and each being out of and a part of Enfield "D", a subdivision of record

in Book 3 at Page 158 of the Plat Records of Travis County, Texas; the strip of land hereinafter described as Number One being out of and a part of Lot 34, said Enfield "D", and the strip of land hereinafter described as Number Two being out of and a part of Lot 35, said Enfield "D", each of the said two (2) strips of land being more particularly described as follows:

NUMBER ONE, BEING all of the south five (5.00) feet of said Lot 34, Enfield "D".

NUMBER TWO, BEING all of the north five (5.00) feet of said Lot 35, Enfield "D".

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain easement was granted to the City of Austin for electric and telephone purposes, by instrument of record in Volume 1914, at page 327 of the Deed Records of Travis County, Texas; said easement being out of and a part of that certain tract of land out of the George W. Davis Survey in Travis County, Texas, which certain tract of land was conveyed to Economy Realty Company by warranty deed dated March 3, 1956, of record in Volume 1682 at page 143 of the Deed Records of Travis County, Texas; and,

WHEREAS, the owners of the above described property have requested the City Council of the City of Austin to release the hereinafter described portions of said easement; and,

WHEREAS, the City Council has determined that the hereinafter described portions of said easement are not now needed and will not be required in the future; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager of the City of Austin be, and he is hereby authorized to execute a release of the following described portions of said electric and telephone easement, to-wit:

A strip of land ten (10.00) feet in width, same being out of and a part of that certain tract of land out of the George W. Davis Survey in Travis County, Texas, which certain tract of land was conveyed to Economy Realty Company by warranty deed dated March 3, 1956, of record in Volume 1682 at Page 143 of the Deed Records of Travis County, Texas; which strip of land ten (10.00) feet in width is to be released from the electric and telephone easement described in an instrument of record in Volume 1914 at Page 327 of the Deed Records of Travis County, Texas; the centerline of said strip of land being more particularly described as follows:

BEGINNING at a point in a line five (5.00) feet west of and parallel to the east line of said Economy Realty Company tract of land, and from which point of beginning the most southerly corner of that certain tract of land described as the "fourth tract" in a deed of record in Volume 1439 at Page 531 of the Deed Records of Travis County, Texas, bears in a southwesterly direction 1390 feet, more or less, and S 60° 23' E 10 feet;

THENCE, N 62° 0' W 422 feet, more or less, to point of termination.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by virtue of an order of sale issued out of the 53rd District Court of Travis County, Texas, in Cause No. 139,755, styled City of Austin v. Sam McDonald, the hereinafter described property was sold for taxes by the Sheriff of Travis County, Texas, by deed of record in Volume 2984, Page 2136, Deed Records of Travis County, Texas; and,

WHEREAS, Thomas T. Smith is desirous of purchasing the above described property as Trustee for Sam McDonald; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That William T. Ward, be appointed as Commissioner, and he is hereby authorized to execute a quitclaim deed on behalf of the City of Austin and as Statutory Trustee for the State of Texas and County of Travis and Austin Independent School District conveying all of their right, title and interest in and to the above described property to Thomas T. Smith, Trustee for Sam McDonald.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer
Noes: Councilman White

Mayor Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL THREE TRACTS OF LAND, SAME BEING OUT OF AND A PART OF THAT CERTAIN STREET KNOWN AS MATAGORDA STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Shanks moved that the rule be suspended and the ordinance passed to it s second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman Shanks moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Shanks moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

(This street was closed at request of abutting owners Mr. Andrewartha and Mrs. Youngblood.)

The Council had before it a resolution dedicating 1.87 acres of land for street purposes, connecting Red Bud Trail with Forest View Drive (adjacent to Water Treatment Plant No. 3). The City Manager explained this is in the area for Water Plant No. 3. This roadway replaces an existing road that will be closed later.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the following described tract of land owned by the City of Austin, a municipal corporation situated in Travis County, Texas, be and the same is hereby set aside and dedicated for use as a public street and thoroughfare in the City of Austin, said tract being described as follows:

1.87 acres of land out of and a part of that certain 109.27 acre tract of land out of and a part of the Wilkinson Sparks Survey in the City of Austin, Travis County, Texas; which certain 109.27 acre tract of land was conveyed to the City of Austin, a municipal corporation, by deed of correction dated April 26, 1938, of record in Volume 585 at page 612 of the Deed Records of Travis County, Texas; said 1.87 acres of land being more particularly described as follows:

BEGINNING at a square head bolt set at the point of intersection of the south line of the said City of Austin tract of land, same being the north line of Liveoak Terrace, a subdivision of record in Book 5 at page 164 of the Plat Records of Travis County, Texas, with the proposed curving north line of Forest View Drive, said curve having an intersection angle of $44^{\circ} 00'$, a radius of 633.48 feet and a tangent distance of 255.94 feet, and from which point of BEGINNING a concrete monument at the southwest corner of the said City of Austin tract of land bears North $59^{\circ} 56'$ East at 93.00 feet passing a concrete monument, in all a distance of 1264.49 feet;

THENCE, with the said proposed curving north line of Forest View Drive along said curve to the right an arc distance of 255.59 feet, the sub-chord of which arc bears North $76^{\circ} 51'$ East 253.80 feet to a square head bolt set at the point of reverse curvature between the aforementioned curve and another curve to the left whose angle of intersection is $51^{\circ} 38'$, whose radius is 485.86 feet and whose tangent distance is 235.05 feet;

THENCE, continuing with the said proposed curving north line of Forest View Drive along said curve to the left an arc distance of 437.84 feet, the chord of which arc bears North $62^{\circ} 36'$ East 423.18 feet to a steel pin set at the point of tangency of said curve;

THENCE, continuing with the proposed west line of Forest View Drive, North $36^{\circ} 47'$ East 775.18 feet to a steel pin set on the south line of Red Bud Trail;

THENCE, with the said south line of Red Bud Trail, South $68^{\circ} 43'$ East 62.26 feet to a steel pin set on the proposed east line of Forest View Drive, and from which steel pin a concrete monument at the southeast corner of the said City of Austin tract of land bears North $36^{\circ} 47'$ East 51.89 feet, South $68^{\circ} 43'$ East 474.74 feet and South $30^{\circ} 14'$ West 1,434.23 feet;

THENCE, with the said proposed east line of Forest View Drive, South $36^{\circ} 47'$ West 748.19 feet to a steel pin set at the point of curvature of a curve whose angle of intersection is $25^{\circ} 49'$, whose radius is 636.04 feet and whose tangent distance is 145.77 feet;

THENCE, with the proposed curving south line of Forest View Drive along said curve to the right an arc distance of 286.59 feet, the chord of which arc bears South $49^{\circ} 41'$ West 284.17 feet to a steel pin set at the point of compound curvature between the aforementioned curve and another curve to the right whose angle of intersection is $25^{\circ} 49'$, whose radius is 535.86 feet and whose tangent distance is 122.81 feet;

THENCE, continuing with the said proposed curving south line of Forest View Drive along said curve to the right an arc distance of 241.45 feet, the chord of which arc bears South $75^{\circ} 30'$ West 239.41 feet to a square head bolt set at the point of reverse curvature between the aforementioned curve and another curve to the left whose angle of intersection is $44^{\circ} 00'$, whose radius is 583.48 feet and whose tangent distance is 235.74 feet;

THENCE, continuing with the said proposed curving south line of Forest View Drive along said curve to the left an arc distance of 199.26 feet, the sub-chord of which arc bears South $78^{\circ} 38'$ West 198.21 feet to a square head bolt set on the aforesaid south line of the City of Austin tract of land, and from which square head bolt a concrete monument at the aforesaid southeast corner of the City of Austin tract of land bears South $59^{\circ} 56'$ East 972.93 feet;

THENCE, with the said south line of the City of Austin tract of land, North $59^{\circ} 56'$ West 62.58 feet to the point of beginning.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS:

- (1) LOT 9, BLOCK C, OF THE BOWLING GREEN SUBDIVISION, FROM "C-1" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT;
- (2) NORTH 20 FEET OF LOTS 3 AND 4, BLOCK 5, OF THE WHITTEN FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;
- (3) NORTH 80 FEET OF WEST 52 FEET OF LOT 8, BLOCK 13, OF THE C. R. JOHNS SUBDIVISION, FROM "C-1" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT;
- (4) A 9,489 SQUARE FOOT TRACT OF LAND OUT OF THE LOVELESS ADDITION, LOCALLY KNOWN AS 2904 (2906) SOUTH FIRST STREET, FROM "B" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT;
- (5) LOTS 19, 20 AND 21 OF THE ARBOLES TERRACE ADDITION, FROM "C-1" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT;
- (6) LOT 3 AND THE NORTH 53.88 FEET OF LOT 2, BLOCK 3 OF THE H. B. SEIDERS ADDITION, AND ADDITIONAL AREA: LOT 1 AND THE SOUTH 38.95 FEET OF LOT 2, BLOCK 3 OF THE H. B. SEIDERS ADDITION, FROM "A" RESIDENCE DISTRICT TO "IR" LOCAL RETAIL DISTRICT;
- (7) LOT 9 AND THE WEST 2 FEET OF LOT 8, BLOCK 181 OF THE ORIGINAL CITY OF AUSTIN, FROM "C-1" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT;
- (8) THE WEST 93 FEET OF LOT 15 OF OUTLOT 48 OF THE FRANK RAINY SUBDIVISION, FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT;
- (9) A 2400 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 2034 SOUTH LAMAR BOULEVARD, FROM "C-1" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT;
- (10) WEST 264.6 FEET OF LOT 18 AND THE NORTH 10 FEET OF THE WEST 258.2 FEET OF LOT 17 OF THE FAIRVIEW PARK ADDITION, FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT;
- (11) LOT 1, BLOCK 5 OF THE GEORGE L. ROBERTSON'S SUBDIVISION, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT;
- (12) A 6.84 ACRE TRACT OF LAND, LOCALLY KNOWN AS 3404-3506 LYONS ROAD AND 900-1010 GUNTER STREET, FROM "D" INDUSTRIAL AND THIRD HEIGHT AND AREA DISTRICT TO "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT;
- (13) EAST 130 FEET OF LOT 10 OF THE SUBDIVISION OF OUTLOTS 38 AND 39, FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "IR" LOCAL RETAIL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT;
- (14) A 2200 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS REAR OF 3213-3217 RED RIVER STREET, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT;
- (15) TRACT 1: NORTH 135 FEET OF LOT 5, AND SOUTH 85 FEET OF LOT 4, BLOCK B OF THE RIDGETOP FOURTH ADDITION, FROM "C" COMMERCIAL AND "GR" GENERAL RETAIL DISTRICT AND FIRST AND FIFTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIFTH HEIGHT AND AREA DISTRICT; AND TRACT 2: THE SOUTH 10 FEET OF LOT 3 AND THE NORTH 65 FEET OF LOT 4, BLOCK V OF THE RIDGETOP FOURTH ADDITION, FROM "C" COMMERCIAL AND "GR" GENERAL RETAIL DISTRICT AND FIRST AND FIFTH HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL DISTRICT AND FIFTH HEIGHT AND AREA DISTRICT;
- (16) THE WEST 20 FEET OF THE EAST 45 FEET OF THE SOUTH 20 FEET OF LOT 4, AND THE WEST 20 FEET OF THE EAST 45 FEET OF LOT 5 AND THE

WEST 20 FEET OF THE EAST 45 FEET OF THE NORTH 10 FEET OF LOT 6, ALL OF BLOCK 15, OF THE GLEN RIDGE ADDITION, FROM "GR" GENERAL RETAIL DISTRICT TO "C-2" COMMERCIAL DISTRICT; AND (17) TRACT 1: A PART OF LOT 26, DUVAL HEIGHTS, LOCALLY KNOWN AS REAR OF 1002-1018 RENILI STREET, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; AND TRACT 2: PARTS OF LOTS 26 AND 27, DUVAL HEIGHTS, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: A 17,802 SQUARE FOOT TRACT OF LAND OUT OF OUTLOT 21, DIVISION "E", LOCALLY KNOWN AS 1606-1608 (1612) RIO GRANDE STREET AND 701-705 WEST 17TH STREET, FROM "O" OFFICE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

July 22, 1965

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: LOTS 5, 6 AND 7 OF THE SUBDIVISION OF OUTLOTS 38 AND 39, FROM "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: A 66,400 SQUARE FOOT TRACT OF LAND OUT OF THE R. L. SWEETMAN'S ADDITION, LOCALLY KNOWN AS 204-306 CROCKETT STREET AND 2007-2011 WILSON STREET, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING SITUATED IN

AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE
REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE
DAYS.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Council wanted to make an on site inspection of all of the zoning requests on which decisions were deferred last week.

MR. JOHN O. YOKIE, JR., made inquiry about the application of MRS. BERTHA C. REICHERT, 909 Anderson Lane, stating MRS. REICHERT did not agree to the dedication. The Mayor stated they would go look at this property.

A representative of the PUETT and WASH zoning application at 2913-2915 East 12th Street filed plans of the building, stating the recommendation of the Planning Commission was acceptable to him. The Mayor stated the Council had included this location in those it wanted to drive by and look over the area.

The Mayor brought up the following zoning application:

KATHLEEN WALSH	1500-1504 Scenic Drive	From "C" Commercial 1st
BELSHAN & MAURICE		Height & Area
DOKE		To "C" Commercial 3rd
		Height & Area
		RECOMMENDED by the
		Planning Commission

MR. SAM WINTERS represented the applicants stating at the hearing the discussion centered around the sky ride, parking facilities and traffic. What is under consideration now is the apartment house, and it would have nothing to do with any sky ride. MR. TRUEMAN O'QUINN, representing more than 30 property owners affected by this, stated they were opposed to this apartment development, and had asked for a further study to be made about existing and proposed zonings, and that he had asked to be heard when the hearing was held on this. Since he had received short notice of this hearing, he asked for an opportunity to get his people here. The zoning is intended for commercial and not for density of population on a lake front. Mr. Winters stated the people within 300' apparently had no objections; Mr. Wendlandt protested the apartment as it would cut off his view of the lake, but he had sold his property now. Mr. Winters pointed out the property was zoned "C" Commercial 1st Height and Area; and there could be constructed as many units of apartments as could be built under 3rd Height and

Area. He pointed out the properties zoned 3rd Height and Area. They want to build a nice attractive beautiful apartment house, and anticipate only 72 units, which could be constructed now, but they want a more attractive development.

Councilman Shanks noted a lot of this traffic problem was anticipated in line with the sky ride, and asked what were the plans for the sky ride. Mr. Winters stated they were dropping that completely because that was the traffic problem. Councilman Shanks asked then if this Council could consider the sky ride application dropped. Mr. Winters stated it could. There were too many problems in connection with this parking for the sky ride.

Mr. Winters described the development, stating two floors below the surface level would provide 117 parking places, and 12 would be provided at ground level, making more off street parking than the City requires. There will be a small area for commercial use. The people are anxious to get started on this project.

The Director of Planning stated in several cities the problem of multi-story buildings on lake fronts had arisen. Third Height and Area has an unlimited density, and would provide a height of 90'. Mr. Winters mentioned most of Mr. Doke's property was under water. If they had the whole three acres, they would be entitled to 361 units, but they want to build only 72 units and they could build 72 units under the present zoning.

Councilman Shanks moved that the Planning Commission recommendation be sustained. The motion was seconded by Councilman White.

Mr. O'Quinn insisted on a study of zoning of the lake front. He said this "C" Commercial zoning had contemplated a marina, and not a concentration of people. He suggested that Mr. Winters enter into an agreement that only 72 units be constructed. Mr. Winters showed the plans for the 72 units and commercial space on the ground floor. Mr. Doke said he could not build 100 units--they may build 75 or 68. Discussion was held on zoning land under water. Mr. O'Quinn said this application did not just go from 1st to 3rd Height and Area but it included additional territory going out to the old river bank and they were definitely opposed to that, and he would want a hearing on that. MR. WINTERS said there were no plans nor desire to build out in the lake. Mr. Winters said the minutes could carry the statement as far as they were concerned, that these applicants were not construing this in that manner.

Councilman LaRue stated the present zoning now just covers the land area and perhaps the request would be inclusive of all the entire tract. The City Attorney stated the original application did extend a good distance out into the water's edge, because there were to be two towers located out there. The Mayor noted regardless of the zoning, no construction could be done, as the City owns the inundation rights, and the City could control anything that was built.

Discussion of Mr. Doke's being permitted to fill out into the lake was held. The Mayor stated this permit was with the understanding he would take out twice the amount across the lake. The line was determined. Mr. Winters suggested zoning from the front line on Scenic Drive out to the fill line. Mr. O'Quinn stated the applicant says they want to go from "C" Commercial 1st Height and Area to "C" Commercial 3rd Height and Area and the application covers the

entire tract which goes out to the bank of the Colorado River as it was prior to the time the dam was built. Mr. Winters asked for the area from Scenic Drive to the fill line whatever it may be to be covered in the zoning. Mr. O'Quinn asked that the applicants limit this to 72 units, limit the zoning to what is now above the water, and assure there will be those 129 parking spaces. Councilman LaRue asked if there were any other land out in the water now zoned. The City Attorney stated there was none, and this would be an exception. Councilman LaRue stated since there has not been any water surface zoned, this should not be contemplated today nor until there is a study made of this. Mr. Winters stated they anticipated putting docks out in the water.

Mr. Winters displayed plans. He showed the docks which would be out of the water, and above those docks which would be on piers, there would be constructed apartments. Mr. Doke stated they would go out only to the first shelf, and building could not be done beyond the first shelf. Councilman Shanks suggested zoning the present ground area plus 50' of water. Mr. O'Quinn suggested going to the first shelf. Councilman LaRue stated if the Council was going to start zoning the lake surface, a survey should be made. The City Manager noted that Mr. Winters had indicated that this building would be over the water. Mr. Winters stated the line which Mr. Rountree already has, could be extended out even with the loading ramp.

Councilman Shanks stated certain land fill had been authorized. What he was proposing is that will be land area and he was proposing so there will be some flexibility but at the same time some control 50' beyond the proposed fill line. This is zoning 50' beyond the authorized fill line. The architect suggested establishing a point so many feet from Scenic Drive; it would be easier to describe for the zoning, and keep that as a constant line; to establish a line of 250' and that would be a line of any permanent construction. Mayor Palmer suggested that the City Attorney, Mr. Winters, Mr. O'Quinn and Mr. Merle Simpson get together and agree on the line, and the ordinance could be brought in next week.

The Mayor entertained a motion that the zoning be granted subject to an agreed boundary line's being submitted to the Council next week. Councilman Shanks then amended his motion to be that the Council instruct the City Manager to bring in an ordinance whereby the land area now existing and the proposed fill area will be zoned "C" Commercial 3rd Height and Area, and whatever proposed extension into the water by the new line shall also be zoned "C" Commercial 3rd Height and Area from the shoreline to the proposed fill line shall be zoned 3rd Height and Area and the extended agreed amount of water area shall be zoned "C" Commercial 3rd Height and Area. The amended motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Palmer
Noes: Councilman LaRue

Councilman LaRue voting against the motion, stating he was opposed to zoning any of the water surface.

The Mayor announced that the change had been granted to "C" Commercial 3rd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Department of Public Works; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its pole lines in the following streets;

- (1) A telephone pole line in MANCHACA ROAD, from Stassney Lane southerly 2,127 feet to the north line of Cherry Creek Subdivision, the centerline of which pole line shall be 2 feet west of and parallel to the east property line of said MANCHACA ROAD.

THAT the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The motion, seconded by Councilman LaRue, carried by the following vote:
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH FRANK DENIUS, TRUSTEE, FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Shanks, carried

by the following vote :

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance :

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH AUSTEX DEVELOPMENT COMPANY, LTD. FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote :

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote :

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Shanks, carried by the following vote :

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the ordinance had been finally passed.

The Council had before it the following zoning applications :

HERBERT BOHN &	3711 Jefferson	From "A" Residence
J. D. WILLIS	1605-1607 West 38th St.	To "LR" Local Retail
By C.T. Uselton		NOT Recommended by the Planning Commission

Councilman Long moved that the Council approve the request of the applicants that the application be withdrawn as a new application including more property will be filed. The motion, seconded by Councilman Shanks, carried by the following vote :

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

- - - - -

CORA BELL &
CLIFFORD BRIGGS

1001-03 East 10th Street
907-11 San Marcos Street

From "A" Residence 1st
Height & Area
To "B" Residence 2nd
Height & Area

Councilman LaRue moved that the Council dismiss the zoning application due to change of ownership and approval of zoning request under the name of new owner MR. CLARENCE FLOURNOY. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman LaRue moved that the Council recess until 3:00 P.M. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

RECESSED MEETING

3:00 P.M.

At 3:00 P.M. the Council resumed its business.

The Council had before it the following zoning applications deferred from last week:

JOSIE MAE FERGUSON
By R. B. Smith

1509-1511 (1505) East
7th Street

From "C" Commercial 2nd
Height & Area
To "C-2" Commercial 2nd
Height & Area
NOT Recommended by the
Planning Commission

Councilman Long moved that the change to "C-2" Commercial 2nd Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

ADELINE EHRHARDT
By Sam R. Perry

1001-1003 (1007-1009)
East 16th Street

From "A" Residence
To "LR" Local Retail
NOT Recommended by the
Planning Commission

Councilman Shanks moved that the change to "LR" Local Retail be granted.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "IR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

THE NICKELL CORPORATION, By Franklin Kohutek	2909-2913 West Avenue Additional Area 2907 West Avenue	From "BB" Residence 1st Height and Area To "BB" Residence 2nd Height and Area NOT Recommended by the Planning Commission
--	--	--

Councilman Long moved that the change to "BB" Residence 2nd Height and Area be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been granted to "BB" Residence 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

ROANE H. PUETT & MICHAEL A. WASH	2913-2915 East 12th St. Additional Area Rear of 2913-2915 East 12th Street	From "A" Residence To "C" Commercial RECOMMENDED by the Planning Commission Portion north of additional area located at 2913-15 E.12th St. NOT Recommended additional area and subject property east and south of the additional area at the rear of 2913-15 East 12th Street
----------------------------------	--	---

Councilman LaRue moved that only that portion recommended by the Planning Commission be granted. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer
Noes: Councilman Long

The Mayor announced that the change had been granted to "C" Commercial for the property located at 2913-2915 East 12th Street and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

July 22, 1965

ANDREW L. KIVLIN &
SYLVION KIVLIN

2101-2107 West 7th St.
613-615 Upson Street

From "A" Residence
To "B" Residence
NOT Recommended by the
Planning Commission

Councilman Long moved that the Council sustain the recommendation of the Planning Commission and DENY the change. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been DENIED.

- - - - -

ANDREW L. KIVLIN &
SYLVION KIVLIN

2515-2601 Wheless Lane

From "A" Residence
To "B" Residence
NOT Recommended by the
Planning Commission

Councilman Long moved that the Council sustain the recommendation of the Planning Commission and DENY the change. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Mayor announced that the change had been DENIED.

- - - - -

MRS. BERTHA C. REICHERT 909 Anderson Lane
By John O. Yokie, Jr.

From "A" Residence
To "C" Commercial
RECOMMENDED by the
Planning Commission

The Council deferred action and asked that Mr. John O. Yokie, Jr., be contacted as it was felt a certain dedication was necessary.

- - - - -

The Council had before it the request of Montopolis Community Center, Inc. for franchise to operate bus service, made through their attorney Honorable Paul B. Haring. The Council asked the City Manager to instruct the City Attorney to notify Honorable Paul B. Haring that the Council would be happy to set this hearing either Thursday, July 29th, or Thursday, August 5th, at his convenience.

Councilman Long discussed the new water rate, stating people were placed under the commercial rate that she did not intend to bring under such, and something should be done about taking them off. One inquiry concerned a homeowner,

whose mother had her home in the rear of the lot. She saw no purpose in making a duplex pay a commercial rate. She said several people were put in a hardship position, and she would like to see the City Council reverse itself in that category. This one case could not get a separate meter, as he could not subdivide that one lot. The City Manager stated the commercial rate for a duplex provided water to each of the occupants of the duplex cheaper than the residential rate would for the single family. He stated the commercial rate applied to everything except single family residences. Councilman Long was under the impression only the 48 big users would be affected. Councilman Long moved that these people in duplexes on a single meter would not have to pay the commercial rate. The motion lost for lack of a second. Councilman Long asked to see the figures of those who used only the minimum amount of water. The Director of Water and Sewer Utilities stated there were 1,000 in June. Councilman Long wanted to see the figures.

Councilman Long stated the City hit its water peak, and she would like to see the Council vote a summer water rate. The City Manager stated there was a "built-in" water rate reduction. Councilman Long moved that a 10% water rate be granted. The motion lost for lack of a second. The Mayor stated the summer water rate would benefit only the large users.

The City Manager stated there were two petitions for fogging the following streets:

Patterson Avenue, West 10th Street and Theresa Avenue
West 51st Street, Lyndale and Woodrow Avenue

Councilman Long moved that the Council approve the fogging of those areas as listed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Councilman Shanks moved that MR. LALO CAMPOS be granted permission to have a dance at the Coliseum from 6:00 P.M. until midnight, Sunday, August 1st or 15th, for the Derby Athletic Club, an organization of soft ball clubs. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

Mayor Palmer read a letter from Dr. Edward Taborsky, 4503 Parkwood Road, on behalf of a group of residents located along the alley leading from Parkwood to Rowood, parallel to Airport Boulevard in Delwood 2, asking to have this alley asphalt paved at their expense. They had been told the alley may not be asphalt paved but improved only by concrete, and the cost would be prohibitive to them. They referred to other alleys that had been asphalt-paved, such as the one in Wilsherwood across the Airport Boulevard from them, and applied for permission to asphalt-pave their alley. The City Manager stated there were two reasons

July 22, 1965

for not permitting this--(1) the alleys provided for a drainageway, and were constructed in such a way as to form a trough for the drainage. Asphalt cannot stand that kind of water exposure, and the asphalt will deteriorate and destroy the base. (2) Secondly, alleys do not have the traffic that streets have, and it is necessary for a lot of traffic to keep asphalt alive. Councilman Long favored asking the engineers to investigate to see if the drainage was such that the water would run off and if there is enough traffic to keep it pliable, and the Council could decide on each one on its own merits. The Mayor stated if the garbage pick up were in the alley, the acid out of garbage cans would ruin asphalt. The Mayor stated if the alley were vacated, they could pave it themselves with asphalt, except as it joins the street, where a concrete apron would have to be constructed. The City Manager referring to the alley mentioned in the letter, stated it had been vacated. The Mayor suggested that Dr. Taborsky get everyone on the alley to agree to vacate it, and the City would assume no maintenance responsibility, and they could go ahead and pave it. Councilman Shanks stated it should be explained that this was the way the alley mentioned was handled.

The Mayor read a petition from employees at Balcones Research Center regarding dissatisfaction over the remodeled intersection at Burnet Road and Highway 183. The letter was addressed to the State Highway Department, and a copy sent to the Council. Councilman Long suggested they be written a note and told this was out of the Council's hands.

The Mayor read a note from DR. CHARLES W. BAILEY about building a temporary unit at the Hospital of about a \$30-\$40,000 wooden construction to help relieve the situation at the Hospital. This would present the problem of staffing it. The City Manager stated he and the administrator had been discussing the possibility of temporary beds but not in this manner. It might be better to accelerate the construction rather than do something on a temporary basis.

The Mayor expressed pleasure to the Demolays for attending the Council today.

There being no further business Councilman Long moved that the Council adjourn. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer
Noes: None

The Council adjourned at 3:45 P.M. subject to the call of the Mayor.

ATTEST:

Edwin Hooley
City Clerk

APPROVED

Luigi E. Palmer
Mayor